



October 24, 2008

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Meeting: CC Docket No. 99-68; WC Docket No. 01-92

Dear Ms. Dortch:

On October 23, 2008, I conducted a teleconference with Nicholas Alexander, Legal Advisor to Commissioner McDowell on behalf of Core Communications, Inc. During the call, I noted that telecommunications to ISPs is no different than any other telecommunications, and there is no basis in the statute for creating subcategories of telecommunications.

Section 251(b)(5) of the act applies equally to all telecommunications. Rates set by state commissions under section 252(d)(2) apply equally to all telecommunications. Neither of these statutory provisions permit discrimination against any type of traffic that constitutes telecommunications.

Any effort by the Commission to exclude temporarily or permanently telecommunications to ISP end users from section 251(b)(5) or to apply a rate different than the section 252(d)(2) rates set by the state commissions will not survive judicial review.

Sincerely,

Michael B. Hazzard
Counsel for Core Communications, Inc.

cc: **Via electronic mail**
Nicholas Alexander